

## **EXHIBIT 12**

# 12-3126-cv

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**United States Court of Appeals**  
*for the*  
**Second Circuit**

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FEIGE ZAERETSKY, AKA Feige Berlin, AARON BERLIN,

*Plaintiffs-Appellants,*

v.

MAXI-AIDS, INCORPORATED, ANGELA GIGLIO, ELLIOT ZARETSKY,  
HAROLD ZARETSKY, SHIRLEY ZARETZKY, LARRY DIBLASI,  
LATONYA THOMPSON, PAMELA STEIN, TERESA BUTLER, MICHAEL D.  
SOLOMON, SOLOMON & HERRERA, PLLC, IGLAR, HEAR-MORE,  
ABLE-VISION, SUSAN RUBIN, DANIEL HERRERA, RICHARD HAUSE,

*(For Continuation of Caption See Inside Cover)*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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**BRIEF FOR DEFENDANTS-APPELLEES**  
**MICHAEL D. SOLOMON, SOLOMON & HERRERA, PLLC,**  
**SUSAN RUBIN AND DANIEL HERRERA**

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MOUND, COTTON, WOLLAN &  
GREENGRASS

*Attorneys for Defendants-Appellees*  
*Michael D. Solomon, Solomon &*  
*Herrera, PLLC, Susan Rubin and*  
*Daniel Herrera*

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## **STATEMENT OF THE CASE**

This case is an attempt by pro se Plaintiff-Appellant Aaron Berlin and his daughter, pro se Plaintiff-Appellant Feige Zaretsky (collectively “Plaintiffs”), to frustrate the enforcement of a state court judgment against them by alleging a wide-ranging conspiracy involving Defendant-Appellee Solomon & Herrera, PLLC, a law firm, and Defendants-Appellees Michael D. Solomon, Daniel Herrera and Susan Rubin (collectively with Solomon & Herrera, PLLC, the “Solomon Defendants”), lawyers at that firm. According to Plaintiffs, the state court judgment is invalid because it was the result of a secret conspiracy “to fraudulently create false grounds for a foolproof judgment against the plaintiffs.”

Defendant David Wacholder . . . acting in concert and in conspiracy with Elliot Zaretsky, Harold Zaretsky, Shirley Zaretsky, Maxi-Aids, Michael Solomon, Daniel Herrera, Susan Rubin, and SOLOMON & HERRERA, PLLC., secretly conspired to fraudulently create false grounds for a foolproof judgment against the plaintiffs, from which would directly result in Plaintiff Feige Zaretsky being legally forced to return or forfeit the monthly maintenance and equitable distribution awards she had received some months prior in her divorce litigation, and likewise, where the rights title, and interest in her home at 10 Chestnut Drive in Plainview, New York would be unfairly and without merit taken from her and sold on auction by the County Sheriff to the advantage and financial benefit of Defendants . . . .

(Sol. Def. SA-75 ¶ 179.)<sup>1</sup>

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<sup>1</sup> The Supplemental Appendix filed by the Solomon Defendants is cited herein as “Sol. Def. SA-\_\_.”